

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
:
UNITED STATES OF AMERICA : CONSENT PRELIMINARY ORDER
- v. - : OF FORFEITURE AS TO
TYROME BREHON, : SPECIFIC PROPERTY
Defendant. : 23 Cr. 555(JPC)
:
----- x

WHEREAS, on or about October 26, 2023, TYROME BREHON (the “Defendant”), was charged in a five-count Indictment, 23 Cr. 555 (JPC) (the “Indictment”), with possession of a defaced firearm, in violation of Title 18, United States Code, Section 922(k) (Count One); possession of a firearm after a felony conviction, in violation of Title 18, United States Code, Section 922(g)(1) (Count Two); possession of ammunition after a felony conviction, in violation of Title 18, United States Code, Section 922(g)(1) (Count Three); distribution of narcotics, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(C), and Title 18, United States Code, Section 2 (Count Four); and firearms use, carrying, and possession, in violation of Title 18, United States Code, Section 924(c)(1)(A)(i) and 2 (Count Five);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One, Two, Three and Five of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), of any and all firearms and ammunition involved in or used in the offenses charged in Counts One, Two, Three and Five of the Indictment, including, *inter alia*:

- a. Beretta Model AL-2 12-gauge shotgun; and
- b. Smith and Wesson SD40 VE handgun with a defaced serial number;

(the “Specific Property”);

WHEREAS, on or about February 28, 2024, the Defendant pled guilty to Counts One and Two of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Counts One and Two of the Indictment and agreed to forfeit to the United States, all right, title and interest of the Defendant in the Specific Property;

WHEREAS, the Defendant further consents to the forfeiture of all his right, title and interest in the Specific Property, which are the firearms involved in or used in the offenses charged in Counts One and Two of the Indictment; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Meredith C. Foster, of counsel, and the Defendant and his counsel, Sylvie Levine, Esq., that:

1. As a result of the offenses charged in Counts One and Two of the Indictment, to which the Defendant pled guilty, all of the Defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture as to Specific Property is final as to the Defendant,

6. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

8. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

9. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific Property, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

10. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

Meredith Foster

1/16/2024

By: MEREDITH C. FOSTER
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2310

DATE

TYROME BREHON

By: TYROME BREHON

2.28.24
DATE

By: S.L.
SYLVIE LEVINE, ESQ.
Attorney for Defendant
52 Duane Street, 10th floor
New York, NY 10007

2.28.24
DATE

SO ORDERED:

J.P.C.
HONORABLE JOHN P. CRONAN
UNITED STATES DISTRICT JUDGE

2/28/24
DATE